

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Seventh Judicial District Court, County of Dawson

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-13-039
-vs-)	
)	DECISION
LEVI DOUGLAS STARK,)	
)	
Defendant.)	

On August 11, 2014, the District Court sentenced the Defendant as follows: Count I: A term of One Hundred (100) years to the Montana State Prison, for the offense of Deliberate Homicide, a felony, in violation of §45-5-102, MCA; Count II: A term of twenty (20) years to the Montana State Prison, for the offense of Arson, a felony, in violation of §45-6-103, MCA, to run consecutive to Count I; and Count III: A term of ten (10) years to the Montana State Prison, for the offense of Tampering with Physical Evidence, a felony, in violation of §45-7-207, MCA, to run concurrent only to Count II.

The Court granted the Defendant credit for 466 days spent in jail prior to sentencing towards his net sentence, but not towards any financial obligation in this matter. The Court ordered the Defendant to pay court surcharges and costs. The Court ordered the Defendant to pay restitution for two-thirds of the total cost of Funeral Expenses of \$18,377.86 to Kelsea Wiseman; two-thirds of \$3,500 to Crime Victim's Compensation for payment toward funeral expenses; two-thirds of \$3,033.11 to Sheila Wiseman for travel; the Defendant was held jointly and severally liable with Jessica Miller Grossman for \$3,598.00 to Becky Fuhs for damage to the Jeep during commission of these offenses.

On May 5, 2017, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division").

The Defendant was present and was represented by Brent Getty of the Office of the State Public Defender. The State was represented by Joel Thompson, Assistant Attorney General and Special Deputy Attorney for Dawson County. Also present was Sheila Wiseman, mother of the homicide victim, who gave a statement.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive. Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 5th day of May, 2017.

DATED this 31 day of May, 2017.

SENTENCE REVIEW DIVISION



Hon. Brad Newman, Chairperson

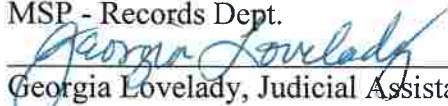


Hon. Kathy Seeley, Member



Hon. Brenda Gilbert, Member

Copies mailed this 2nd day
of June, 2017, to:

Clerk of District Court (Original)
Levi Douglas Stark #3014147, Defendant (2)
Hon. Richard A. Simonton
Brent Getty, Defense Counsel
Olivia Rieger, Esq.
Board of Pardons and Parole
MSP - Records Dept.

Georgia Lovelady, Judicial Assistant
Sentence Review Division